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KING COUNTY  
OFFICE OF CITIZEN COMPLAINTS  
TRIANNUAL REPORT  
SEPTEMBER – DECEMBER 2005

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Presented to the  
Metropolitan King County Council

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## TABLE OF CONTENTS

	Page
INTRODUCTION .....	3
OMBUDSMAN STATISTICS.....	4-5
INVESTIGATIONS .....	6-9
TAX ADVISOR STATISTICS.....	10-12

## INTRODUCTION

The Office of Citizen Complaints is required to report to the Metropolitan King County Council on the 15th of January, May, and September of each year on the activities of the Office for the preceding calendar period per KCC 2.52.150. This report summarizes Office activities for September 1 through December 31, 2005.

During the report period, the Office of Citizen Complaints received 522 inquiries. The majority of contacts to the Office were handled through information and assistance. We initiated 23 complaint investigations, and completed 21 investigations.

## BACKGROUND

The Office of Citizen Complaints – Ombudsman investigates complaints about the administrative conduct of King County executive branch agencies. In addition, the Ombudsman investigates alleged violations of the King County Employee Code of Ethics as well as reports of improper governmental action and retaliation under the Whistleblower Protection Code.

The mission of the Office is to promote public confidence in King County government by responding to citizen complaints in an impartial, efficient and timely manner, and to contribute to the improved operation of County government by making recommendations based upon the results of complaint investigations.

## INQUIRY CLASSIFICATION

The Office of Citizen Complaints classifies citizen inquiries into three categories:

Information: Request for information or advice which may result in referral.

Assistance: Complaint resolved through staff-level inquiry and facilitation.

Investigation:<sup>1</sup> Complaint is not resolvable through assistance, or is potentially systemic. Following preliminary review, complaint is summarized and transmitted to department director for response.

Investigations involve independent factual research, including witness interviews, evidence collection and review, analysis of applicable laws, policies/procedures, standards, etc.

Investigations seek to determine if the complaint is supported or unsupported, and to resolve the problem. Investigations may result in recommendations to departments for improved practices or policy changes, or for legislative change. Investigations are closed with a finding of resolved, supported, unsupported, or discontinued.

Complainants, respondents, directors of administrative agencies, and other parties of record are provided with a report of our findings.

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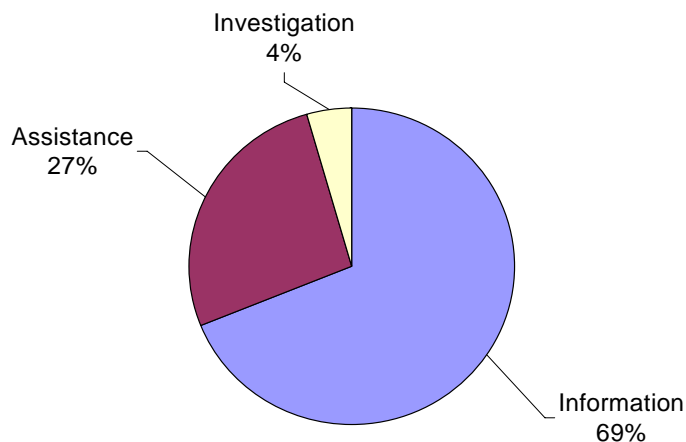
<sup>1</sup> Investigations include citizen complaints, alleged violations of the ethics code, reports of improper governmental action pursuant to the whistleblower protection code, whistleblower retaliation complaints, and ombudsman-initiated investigations.

## OMBUDSMAN STATISTICS

**Table A**  
**Total Inquiries Received**  
**September – December 2005**

Department	Information	Assistance	Investigation	Total
Adult and Juvenile Detention	42	28	4	74
Assessor	5	0	0	5
Boards and Commissions	0	0	0	0
Community and Human Services	6	3	0	9
Development and Environmental Services	4	4	2	10
District Court	9	0	0	9
Executive	2	0	1	3
Executive Services	40	13	2	55
Judicial Administration	0	1	0	1
Metropolitan King County Council	26	10	1	37
Natural Resources and Parks	7	2	1	10
Prosecuting Attorney's Office	6	0	0	6
Public Health	15	53	3	71
Sheriff's Office	15	7	5	27
Superior Court	5	2	0	7
Transportation	30	7	4	41
Non-jurisdictional <sup>2</sup>	148	9	0	157
<b>Total</b>	<b>360</b>	<b>139</b>	<b>23</b>	<b>522</b>

**Chart A**  
**Disposition of Total Inquiries Received**  
**September – December 2005**



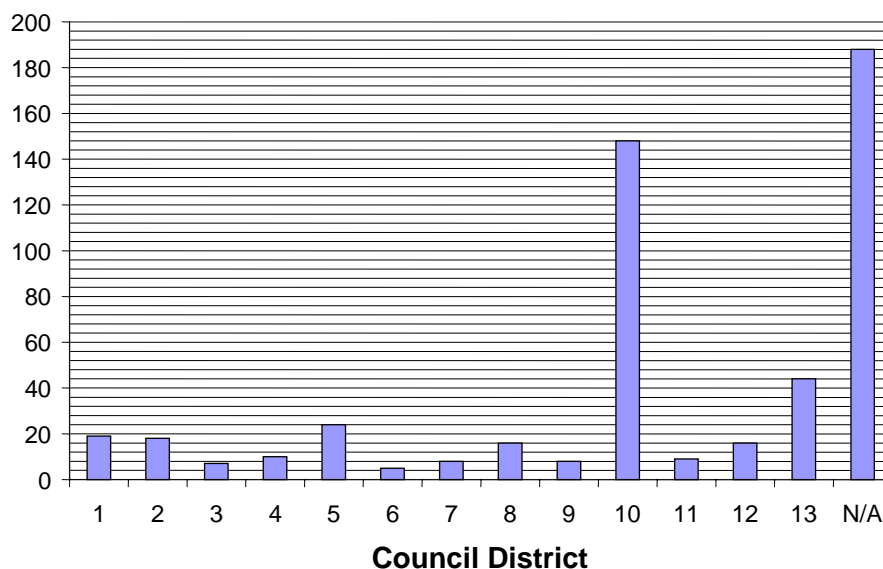
<sup>2</sup> The non-jurisdictional category represents contacts about non-jurisdictional city, state, federal, non-profit, or other private entities.

## OMBUDSMAN STATISTICS

**Table B**  
**Inquiries by Council District**  
**September – December 2005**

District	Councilmember	Inquiries
1	Carolyn Edmonds	19
2	Bob Ferguson	18
3	Kathy Lambert	7
4	Larry Phillips	10
5	Dwight Pelz	24
6	Reagan Dunn	5
7	Pete von Reichbauer	8
8	Dow Constantine	16
9	Steve Hammond	8
10 <sup>3</sup>	Larry Gossett	148
11	Jane Hague	9
12	David Irons	16
13 <sup>4</sup>	Julia Patterson	44
N/A	Unavailable	190
<b>Total</b>		<b>522</b>

**Chart B**  
**Inquiries by Council District**  
**September – December 2005**



<sup>3</sup> Inquiries for this district may be higher due to the number of calls from the Seattle Jail facility.

<sup>4</sup> Inquiries for this district may be higher due to the number of calls from the Regional Justice Center.

## COMPLETED INVESTIGATIONS<sup>5</sup>

### DEPARTMENT OF ADULT AND JUVENILE DETENTION

Synopsis	Disposition
Inmate alleges use of unnecessary force and pepper spray.	Unsupported. Ombudsman staff conducted preliminary review of deck log, infraction report, inmate witness statements, and medical records, and transmitted to DAJD. IIU file was reviewed after Interim Director responded that complaint was unsupported. IIU file was incomplete and Ombudsman notified Director. IIU Captain searched for supporting documents and provided documents for Ombudsman review. Officers' reports support department's conclusion that staff acted within Department's policy and procedures. No indication that inmate's statements were weighed in DAJD conclusion.
Jail officials refused to submit "request for disposition of warrant" to another county as requested by inmate.	Indeterminate. Reviewed statute at issue, RCW 9.98.010. Transmitted complaint to jail commander, who obtained legal interpretation contrary to inmate's interpretation. Complaint file closed because no definitive interpretation is possible without judicial decision. Recommended that agency review complaint and statute, and educate staff members as appropriate regarding future similar inmate requests.
Corrections Officer refused to provide inmates with toilet tissue when needed.	Unsupported. Allegation not corroborated by officer reports. Inmate witnesses did not respond to requests for testimony.
Inmate infected with MRSA virus on five occasions while in custody at Seattle Facility. Alleges prior grievances are ignored and no steps are taken to alleviate problem.	Discontinued. Complainant filed claim for damages.
Excessive force resulting in injury.	Unsupported. Evidence, which included officer reports, inmate witness statements, and medical records, did not support claim that use of force was excessive. Corrections staff used necessary force to restrain inmate during transfer to another housing unit.

<sup>5</sup> Open, ongoing investigations are not subject to public disclosure, and are therefore not included in the investigation synopsis.

DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES

Synopsis	Disposition
Arbitrary and capricious action by agency officials to assist developer in avoiding consequences of excessive traffic on Novelty Hill Road. 2004 traffic counts not performed as required by UPD permit.	Unsupported. Reviewed and analyzed allegations and evidence provided by complainant. Conducted independent legal and factual research and analysis, including permit review, traffic data, and field observation. UPD permit requires annual counts of eastbound PM peak-hour traffic on Novelty Hill Road, and triggers possible moratorium on building permits if counts reach 1,350 vehicles per hour. 2004 counts approached but did not reach 1,350. Interviewed appropriate department officials. Provided detailed written responses and follow-up responses to complainant.

DEPARTMENT OF EXECUTIVE SERVICES

Synopsis	Disposition
Complainant alleges county employee conducting real estate business at work for profit, in violation of ethics code.	Supported. Ombudsman review of employee's computer use indicated consistent use of county computer to support outside real estate business. There is reasonable cause to believe the employee violated the ethics code. KCC 3.04.020(A).
Complainant alleges ITS staff threatened consultant that if changes were not made to a report about King County's Institutional Network, the consultant would not be considered for future County business.	Unsupported. In light of the witnesses' conflicting testimony and lack of persuasive evidence, the allegation is not supported by a preponderance of evidence. However, the complaint served to remind the department of the importance of clear and effective communications with contractors.

NATURAL RESOURCES AND PARKS

Synopsis	Disposition
Alleges Ethics Code was violated in hiring brother and failure to notify supervisor of potential conflict of interest.	No reasonable cause to believe that respondent violated Ethics Code 3.04.037. Respondent did not participate in hiring of brother, and therefore had no duty to notify supervisor or appointing authority of potential conflict.
Alleges Ethics Code violation in hiring of brother and failure to notify supervisor of potential conflict of interest. KCC 3.04.037.	Declined. KCC 3.04.037 does not apply to respondent named in complaint.
Alleges Ethics Code violation in hiring of brother and failure to notify supervisor of potential conflict of interest. KCC 3.04.037	Declined. KCC 3.04.037 does not apply to respondent named in complaint.

Synopsis	Disposition
Installation of faulty drainage system resulted in property damage. Failure to repair faulty system and properly remedy drainage problem.	Unsupported. Record shows that fair and viable solution was offered for the naturally-occurring drainage issues; however, complainant refused to sign agreement necessary for department to proceed with repairs to private property.

#### PUBLIC HEALTH

Synopsis	Disposition
Inmate is not getting adequate medical treatment.	Resolved. Relayed inmate complaint to appropriate jail health personnel and received response from nursing supervisor indicating problem had been addressed.
Inadequate medical care.	Resolved and discontinued. Relayed inmate complaint to appropriate jail health officials. Inmate reported that complaint was resolved. Requested that senior managers investigate complaint and take corrective action if warranted.

#### SHERIFF'S OFFICE

Synopsis	Disposition
Sheriff's Deputy was rude and refused to accept a complaint regarding violation of Landlord Tenant Act.	Unsupported. Complainant was advised that the Sheriff's Deputy has the authority to determine whether there is sufficient evidence of criminal activity to support charges and was further advised to seek legal counsel for legal advice and possible civil options.
Internal Investigations will not investigate complaint of officer misconduct.	Unsupported. After complainant contacted IIU, his complaint was referred to the deputy's sergeant who then appropriately followed-up with the deputy. Ombudsman staff reviewed the sergeant's investigation summary. The sergeant found no misconduct by the deputy. Ombudsman staff met with IIU sergeants to discuss the sergeant's investigation further. Based on available evidence, Ombudsman concluded complaint was appropriately handled by the Sheriff's Office.
Deputy was rude, hung up on complainant, and refused to take report of custodial interference.	Unsupported. Complainant was advised that based on the results of a review of file documentation, statements, department policies and procedures, and RCW, the allegations that an officer was guilty of custodial interference, refused to take a complaint, and hung up on the complainant were unsupported.
Employee use of county resources to support candidate for election.	Declined. Complainant did not provide sufficient information to investigate complaint.



Synopsis	Disposition
Objects to determination on previous complaint about Sheriff Deputy's response to report of custodial interference. Alleges Deputy coached child on avoiding visitation with parent.	Unsupported. Follow-up review of previous Ombudsman complaint indicated that Deputy responded appropriately to parent's attempt to report other parent for custodial interference. Witness testimony does not support allegation that Deputy's provided child with coaching on avoiding future visits with parent.

#### DEPARTMENT OF TRANSPORTATION

Synopsis	Disposition
Metro applicant was offered a job driving a bus which was later revoked.	Discontinued. Complainant did not provide information requested.
Alleges improper governmental action pursuant to Whistleblower Protection Code, specifically that complainant observed a Metro supervisor asleep in his car on duty, and complainant observed maintenance workers speeding through Metro base.	Unsupported. Transmitted complaint to agency, reviewed agency investigation, and complainant's supplemental evidence. Agency provided detailed account of investigation, including witness statements and supervisor logs indicating that supervisor was not asleep at time of allegation. Complainant's attorney provided rebuttal citing to documentation and facts that tended neither to prove nor disprove allegations. Provided detailed written reply to complainant, explaining why evidence of allegations did not amount to a preponderance.

## TAX ADVISOR STATISTICS

The Tax Advisor Office provides advice and assistance to any person responsible for the payment of property taxes in King County. Tax Advisor staff respond to citizen inquiries regarding the valuation of property, local and state appeal processes, and the property tax computation and collection process.

## CONTACT CLASSIFICATION

The Tax Advisor Office classifies taxpayer contacts into two categories:

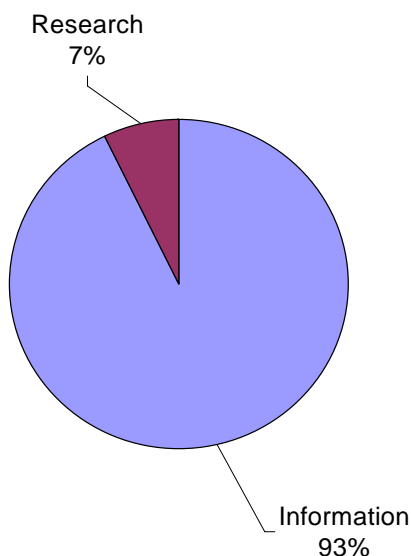
**Information:** Request for information or advice which may result in database inquiry and/or referral.

**Research:** Sales survey, and/or inquiry and attempted resolution of taxpayer concerns related to assessments, taxes (billing/levies), property records and applicable tax codes.

**Table C**  
**Total Tax Advisor Contacts**  
**September – December 2005**

	Information	Research	Total
September	444	68	512
October	901	41	942
November	410	32	442
December	286	20	306
<b>Total</b>	<b>2041</b>	<b>161</b>	<b>2202</b>

**Chart C**  
**Total Tax Advisor Contacts**  
**September – December 2005**



## SALES SURVEYS

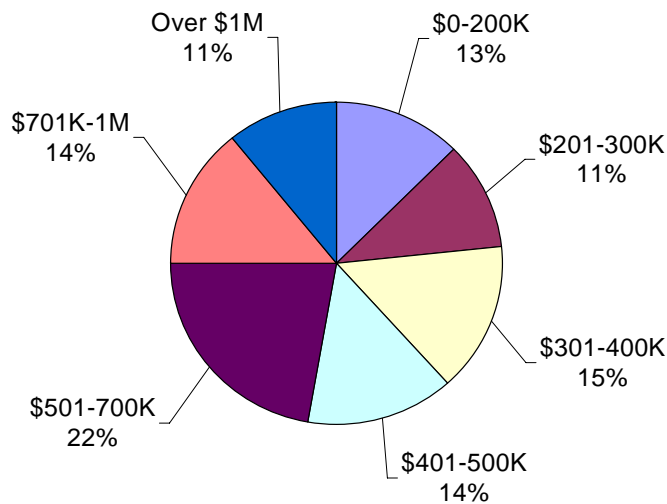
Sales surveys are produced using the Assessor's CompSales program to search for properties with similar characteristics. The Office reviews two years of previous sales in the plat or sub-area and a sales price range. The search can be refined by property characteristics such as view, waterfront, year-built, grade, and condition. A sales report is generated which provides the characteristics and sale prices of similar comparable properties.

Sales surveys are useful in helping taxpayers determine whether to appeal the Assessor's valuation, and can also be used as evidence when presenting an appeal to the Board of Equalization.

**Table D**  
**Sales Surveys – Assessed Property Value**  
**September – December 2005**

Assessed Property Value	Sales Surveys
\$0-200K	14
\$201-300K	12
\$301-400K	17
\$401-500K	16
\$501-700K	25
\$701K-1M	16
Over \$1M	12
<b>Total</b>	<b>112</b>

**Chart D**  
**Sales Surveys – Assessed Property Value**  
**September – December 2005**



## TAX ADVISOR STATISTICS

**Table E**  
**Tax Advisor Inquiries by Council District**  
**September – December 2005**

District	Councilmember	Inquiries
1	Carolyn Edmonds	176
2	Bob Ferguson	189
3	Kathy Lambert	148
4	Larry Phillips	137
5	Dwight Pelz	292
6	Reagan Dunn	115
7	Pete von Reichbauer	141
8	Dow Constantine	175
9	Steve Hammond	106
10	Larry Gossett	162
11	Jane Hague	124
12	David Irons	198
13	Julia Patterson	108
N/A	Unavailable	131
<b>Total</b>		<b>2202</b>

**Table E**  
**Inquiries by Council District**  
**September – December 2005**

